



COUNCIL CHAMBERS
17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Mark Grzan, Mayor Pro Tempore
Larry Carr, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Mark Grzan, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, AUGUST 23, 2006

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY REGULAR MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

RECOGNITION

Animal Control Officer

Daniel Pina

CITY COUNCIL REPORT

Council Member Sellers

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

Financial Policy Committee Quarterly Report
City Treasurer Roorda

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-21

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

- 1. JUNE 2006 FINAL FINANCE AND INVESTMENT REPORT 1**
Recommended Action(s): Accept and File Report.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
2.	<u>JULY 2006 FINANCE AND INVESTMENT REPORT</u> Recommended Action(s): <u>Accept</u> and <u>File</u> Report.	29
3.	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES FOR JULY 26, 2006</u>	55
4.	<u>CALTRAIN POLICY ADVISORY BOARD APPOINTMENT</u> Recommended Action(s): <u>Confirm</u> the Mayor’s Appointment of Council Member Carr to the Caltrain Policy Advisory Board.	57
5.	<u>RESIGNATION OF A SENIOR ADVISORY COMMISSIONER</u> Recommended Action(s): 1. <u>Accept</u> Staten Johnston’s Resignation from the Senior Advisory Commission; and 2. <u>Direct</u> the City Clerk to Commence Recruitment Efforts to Fill the Vacancy.	59
6.	<u>DOG PARK FUNDING REQUEST</u> Recommended Action(s): 1. <u>Approve</u> Parks and Recreation Commission Recommendation to Appropriate \$20,000 from the Park Development Fund to Partially Finance the Construction of the Off-Leash Dog Park Improvements; and 2. <u>Increase</u> Appropriation from Park Impact Fund by \$20,000.	63
7.	<u>POLICY REGARDING TENTATIVE SUBDIVISION MAP APPROVAL PRIOR TO THE AWARD OF BUILDING ALLOCATIONS THROUGH THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM</u> Recommended Action(s): <u>Adopt</u> Policy.	67
8.	<u>NEW LIBRARY PROJECT – JULY CONSTRUCTION PROGRESS REPORT</u> Recommended Action(s): <u>Information</u> Only.	75
9.	<u>CENTENNIAL RECREATION CENTER PROJECT - JULY CONSTRUCTION PROGRESS REPORT</u> Recommended Action(s): <u>Information</u> Only.	83
10.	<u>RESPONSE TO SANTA CLARA COUNTY GRAND JURY REPORT “REDUCING LANGUAGE BARRIERS IN DOMESTIC VIOLENCE CALLS”</u> Recommended Action(s): <u>Direct</u> Staff to Provide the Responses Described to the 2005-2006 Santa Clara County Grand Jury.	91
11.	<u>AUTHORIZE CITY MANAGER TO EXECUTE SUPPLEMENTAL AGREEMENT FOR RECEIVING FEDERAL SURFACE TRANSPORTATION PROGRAM FUNDING FOR 2006-2007 PAVEMENT RESURFACING PROJECT</u> Recommended Action(s): <u>Adopt</u> Resolution Authorizing the City Manager to Execute Supplemental Agreement No. 008-M with the State Department of Transportation to Receive Federal Funding for the 2006-2007 Pavement Resurfacing Project.	111

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
12.	<u>QUITCLAIM A PORTION OF DIANA AVENUE (APN 726-07-079)</u>	115
	<u>Recommended Action(s):</u>	
	1. <u>Authorize</u> the City Manager to Execute the Quitclaim Deed Releasing the City's Interest in Apportion of Diana Avenue Previously Vacated by the City; and	
	2. <u>Direct</u> the City Clerk to File a Certified Copy of the Quitclaim Deed in the Office of the Recorder of Santa Clara County.	
13.	<u>AWARD OF PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION STAKING FOR DEPOT STREET RECONSTRUCTION PROJECT</u>	127
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute a Consultant Agreement with BKF Engineers in the Amount of \$38,046 for Construction Staking for the Depot Street Reconstruction Project, Subject to Review and Approval by the City Attorney.	
14.	<u>AWARD PROFESSIONAL SERVICES CONTRACT FOR DESIGN OF MISSION VIEW WELL SITE PROJECT</u>	139
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute an Agreement with Luhdorff & Scalmanini for the Design of a Test Well and Preparation of Plans and Specifications for Mission View Well in the Amount of \$60,500; Subject to Review and Approval by the City Attorney.	
15.	<u>RESOLUTION FOR FUNDING FROM THE URBAN FORESTRY GRANT PROGRAM ENTITLED "GREEN TREES FOR THE GOLDEN STATE"</u>	147
	<u>Recommended Action(s):</u> <u>Approve</u> Resolution to Authorize Public Works to File an Application for "Proposition 12" Tree Planting Grant Program Funds for the Purpose of Planting 100 Native Oak Trees in Morgan Hill Parks and Medians.	
16.	<u>CALIFORNIA CONSERVATION CORPS AGREEMENT FOR VEGETATION ABATEMENT IN STORM CHANNELS, MEDIANS, AND PARKS</u>	151
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Enter into an Agreement with the California Conservation Corps for Vegetation Abatement in Storm Channels, Medians, and Parks Throughout the City; Subject to Review and Approval by the City Attorney. The Term of the Agreement is for Fiscal Year 2006-2007 in the Amount of \$15,000.	
17.	<u>ACCEPT THE SECOND STREET WATER MAIN REPLACEMENT PROJECT</u>	163
	<u>Recommended Action(s):</u>	
	1. <u>Accept</u> as Complete the Second Street Water Main Replacement in the Final Amount of \$160,306.64; and	
	2. <u>Direct</u> the City Clerk to File the Notice of Completion with the Santa Clara County Recorder's Office.	
18.	<u>APPROVAL OF PAYMENT TO SANTA CLARA COUNTY FOR VEGETATION ABATEMENT ON CITY-OWNED PROPERTY</u>	167
	<u>Recommended Action(s):</u> <u>Approve</u> Payment in the Amount of \$49,729.42 for Vegetation Abatement for Fiscal Year 2005-2006.	
19.	<u>ADOPTION OF RESOLUTION AMENDING 2005 SPEED SURVEY</u>	169
	<u>Recommended Action(s):</u> <u>Adopt</u> Resolution Amending Resolution No. 5944 which established Designated Speed Limits on City Streets.	
20.	<u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDACS) 2006 QUARTERLY REPORT # 2</u>	173
	<u>Recommended Action(s):</u> <u>Accept</u> and <u>File</u> the RDACS Second Quarter Report for 2006.	

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

21. **ADOPT ORDINANCE NO. 1789, NEW SERIES**189
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1789, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING TITLE 18, THE ZONING CODE UNDER CHAPTER 18.47, THE DENSITY BONUS AND INCENTIVES CHAPTER AND CHAPTER 18.55, THE SECONDARY DWELLING UNIT CHAPTER TO COMPLY WITH THE CALIFORNIA GOVERNMENT CODE (APPLICATION ZA-06-07).**

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 22-23

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

22. **JULY 2006 FINANCE AND INVESTMENT REPORT** 199
Recommended Action(s): Accept and File Report.
23. **URBAN HOUSING COMMUNITIES (UHC) SENIOR HOUSING PROJECT** 209
Recommended Action(s): Authorize the Executive Director to do Everything Necessary and Appropriate to: 1) Purchase/Acquire a 2.77 Acre Site at 98 East Central Avenue from Capogeannis Trust for \$3,725,000, Less UHC Deposits of \$75,000, Plus Closing/Escrow Costs Intended for Development as Affordable Housing 2) Accept Assignment of Purchase Agreement for the site form UHC and 3) Execute an Exclusive Right to Negotiate (ERN) Agreement Providing a 12 Month Period to Negotiate a Possible Disposition and Development Agreement with UHC to Develop this Site.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 24-25

Time Estimate **Page**
Consent Calendar: 1 - 10 Minutes

24. **APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES FOR JULY 19, 2006**..... 241
25. **APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES FOR JULY 26, 2006**..... 263

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
26.	7 Minutes	<u>LEADERSHIP MORGAN HILL – 2006 CLASS PROJECT</u>	309
		<u>Recommended Action(s):</u> <u>Accept</u> Second Public Art Piece Project, Location and Plaque for the New Library.	

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
27.	5 Minutes	<u>HEARING FOR EXEMPTION TO UNDERGROUNDING UTILITIES – 16215 CHURCH STREET</u>	317
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Grant</u> Exemption to the Requirement to Underground Utilities with Payment of in Lieu Fees for the Proposed Development at 16215 Church Street.	
28.	15 Minutes	<u>ZONING AMENDMENT, ZA-05-14/DEVELOPMENT AGREEMENT, DA-05-13: JARVIS-SOUTH VALLEY DEVELOPERS</u>	329
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP). Action- <u>Motion to Waive</u> the First and Second Reading of the Zoning Amendment Ordinance. Action- <u>Motion to Introduce</u> Zoning Amendment Ordinance. Action- <u>Motion to Waive</u> the First and Second Reading of Development Agreement Ordinance. Action- <u>Motion to Introduce</u> Development Agreement Ordinance by Title Only. (Roll Call Vote)	
29.	5 Minutes	<u>DEVELOPMENT AGREEMENT APPLICATION, DA-06-03: JARVIS-SOUTH COUNTY HOUSING</u>	383
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Development Agreement Application Ordinance. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
30.	20 Minutes	<u>MANAGEMENT AUDIT OF DEVELOPMENT PROCESSING SERVICES</u> <u>Recommended Action(s):</u> 1. <u>Consider</u> Presentation of the Development Processing Services/Customer Service Study by Joe Colgan; and 2. <u>Direct</u> City Manager to Prepare an Implementation Plan for Review by the Community and Economic Development Committee and Subsequent Adoption by the Council.	409
31.	15 Minutes	<u>UPDATE ON OLIN PERCHLORATE CONTAMINATION AND PRESENTATION TO REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) AT THEIR SEPTEMBER 7, 2006 MEETING</u> <u>Recommended Action(s):</u> <u>Consider</u> Staff Update and <u>Authorize</u> the City Manager to Make a Presentation to the RWQCB at Their September 7, 2006 Meeting in Monterey, Urging the Board to Hold Olin Accountable for the Northeast Contamination.	443

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.